

7 section 1736; title 20 sections 1077, 1078, 1087dd, 1087ee; title 26 sections 912, 3121, 3122, 6051; title 42 sections 294d, 294n, 297b, 405, 409, 410.

§ 2504. Peace Corps volunteers

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2505, 2509 of this title; title 5 sections 8142, 8332; title 26 sections 912, 3401; title 42 section 409.

CHAPTER 35—ARMS CONTROL AND DISARMAMENT

SUBCHAPTER III—FUNCTIONS

Sec.

2577a. Arms control verification.

- (a) Establishment of working group.
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2595. Findings.

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2595b. Authorizations of appropriations for On-Site Inspection Agency.

2595c. Definitions.

SUBCHAPTER I—GENERAL PROVISIONS

§ 2551. Congressional statement of purpose

SHORT TITLE OF 1989 AMENDMENT

Pub. L. 101-216, § 1, Dec. 11, 1989, 103 Stat. 1853, provided that: "This Act [enacting sections 2577a and 2595 to 2595c of this title, amending sections 2563, 2567, 2588, and 2589 of this title, and enacting provisions set out as notes under sections 2565 and 2567 of this title] may be cited as the 'Arms Control and Disarmament Amendments Act of 1989'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

SUBCHAPTER II—ORGANIZATION

§ 2562. Director of Agency; appointment; powers and duties

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

§ 2563. Deputy Director of Agency; appointment; powers and duties

A Deputy Director of the Agency shall be appointed by the President, by and with the advice and consent of the Senate. The Deputy Director shall have direct responsibility, under the supervision of the Director, for the administrative management of the Agency, intelligence-related activities, security, and the Special Compartmental Intelligence Facility, and shall perform such other duties and exercise such other powers as the Director may prescribe. He shall act for, and exercise the powers of, the Director during his absence or disability or during a vacancy in said office. No person serving on active duty as a commissioned officer of the Armed Forces of the United States may be appointed Deputy Director.

(As amended Pub. L. 101-216, title I, § 102, Dec. 11, 1989, 103 Stat. 1853.)

AMENDMENTS

1989—Pub. L. 101-216 amended second sentence generally. Prior to amendment, second sentence read as follows: "The Deputy Director shall perform such duties and exercise such powers as the Director may prescribe."

§ 2565. Bureaus, offices and divisions of Agency

ARMS CONTROL IMPLEMENTATION AND COMPLIANCE RESOLUTION

Pub. L. 101-216, title I, § 104, Dec. 11, 1989, 103 Stat. 1854, provided that: "The Director of the United States Arms Control and Disarmament Agency should study, and report to the Congress on, the advisability of establishing in the Agency an arms control implementation and compliance resolution bureau, or other organizational unit, that would be responsible for—

"(1) managing the implementation of existing and future arms control agreements;

"(2) coordinating the activities of the Special Verification Commission and the Standing Consultative Commission; and

"(3) preparing comprehensive analyses and policy positions regarding the effective resolution of arms control compliance questions."

§ 2567. Special Representatives for Arms Control and Disarmament Negotiations; appointment; powers and duties

The President may appoint, by and with the advice and consent of the Senate, two Special Representatives for Arms Control and Disarmament Negotiations, one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director.

(As amended Pub. L. 101-216, title I, § 103(a), Dec. 11, 1989, 103 Stat. 1853.)

AMENDMENTS

1989—Pub. L. 101-216 substituted ", one of whom should serve as special representative for conventional arms control negotiations, and the other should serve as special representative and chief science advisor to the Director. The two Special Representatives shall perform their duties and exercise their powers under the direction of the President and the Secretary of State, acting through the Director" for "who shall perform such duties and exercise such powers (under the direction of the President and the Secretary of State, acting through the Director) as the Director may prescribe with respect to international arms control and disarmament negotiations and matters relating thereto".

EFFECTIVE DATE OF 1989 AMENDMENT

Section 103(b) of Pub. L. 101-216 provided that: "The amendment made by subsection (a) [amending this section] shall apply with respect to individuals who are appointed as Special Representatives on or after the date of enactment of this Act [Dec. 11, 1989]."

SUBCHAPTER III—FUNCTIONS

§ 2574. Negotiations and related functions

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2595a of this title.

§ 2577a. Arms control verification

(a) Establishment of working group

The President should establish a working group—

(1) to examine verification approaches to a strategic arms reduction agreement and other arms control agreements; and

(2) to assess the relevance for such agreements of the verification provisions of the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987).

(h) Information and data base

(1) The Agency shall allocate sufficient resources to develop and maintain a comprehensive information and data base on verification concepts, research, technologies, and systems. The Agency shall collect, maintain, analyze, and disseminate information pertaining to arms control verification and monitoring, including information regarding—

(A) all current United States bilateral and multilateral arms treaties; and

(B) proposed, prospective, and potential bilateral or multilateral arms treaties in the areas of nuclear, conventional, chemical, and space weapons.

(2) The Agency shall seek to improve United States verification and monitoring activities through the monitoring and support of relevant research and analysis.

(3) The Agency shall provide detailed information on the activities pursuant to this section in its annual report to the Congress.

(Pub. L. 101-216, title I, § 105, Dec. 11, 1989, 103 Stat. 1854.)

CODIFICATION

Section was enacted as part of the Arms Control and Disarmament Amendments Act of 1989, and not as part of the Arms Control and Disarmament Act which comprises this chapter.

SUBCHAPTER IV—ADDITIONAL GENERAL PROVISIONS

§ 2588. Use of funds

Appropriations made to the Director for the purposes of this chapter, and transfers of funds to him by other Government agencies for such purposes, shall be available to him to exercise any authority granted him by this chapter, including, without limitation, expenses of printing and binding without regard to the provisions of section 501 of title 44; purchase or hire of one passenger motor vehicle for the official use of the Director; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation

in international conferences for the purposes of this chapter; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personal effects (including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year), and expenses authorized by the Foreign Service Act of 1980 [22 U.S.C. 3901 et seq.], not otherwise provided for.

(As amended Pub. L. 101-216, title I, § 106, Dec. 11, 1989, 103 Stat. 1854.)

AMENDMENTS

1989—Pub. L. 101-216 inserted “(including any such travel or transportation any part of which begins in one fiscal year pursuant to travel orders issued in that fiscal year, but which is completed after the end of that fiscal year)” after “personal effects”.

§ 2589. Appropriations

(a) Amount

To carry out the purposes of this chapter, there are authorized to be appropriated—

(A) \$36,000,000 for the fiscal year 1990 and \$37,316,000 for the fiscal year 1991; and

(B) such additional amounts as may be necessary for fiscal years 1990 and 1991 for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

[See main edition for text of (b) to (d)]

(As amended Pub. L. 101-216, title I, § 101, Dec. 11, 1989, 103 Stat. 1853.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-216 amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows:

“(1) To carry out the purposes of this chapter, there are authorized to be appropriated—

“(A) \$29,000,000 for the fiscal year 1988 and \$29,800,000 for fiscal year 1989; and

“(B) such additional amounts as may be necessary for each such fiscal year for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs, and to offset adverse fluctuations in foreign currency exchange rates.

“(2) Of the amounts authorized to be appropriated by paragraph (1)(A) for each of the fiscal years 1988 and 1989—

“(A) \$7,063,000 shall be available only to pay necessary expenses incurred in connection with arms control negotiations conducted with the Government of the Soviet Union on strategic arms reductions, intermediate-range nuclear forces, and space and defensive weapons;

“(B) not less than \$310,000 shall be available only for the program for visiting scholars in the field of arms control and disarmament established under section 2588 of this title;

“(C) \$780,000 shall be used for external research to assist the Bureau of Verification and Intelligence in making assessments of possible new systems, devices, and capabilities for verification of arms control;

“(D) not more than \$1,580,000 may be used for any other external research program; and

"(E) a total of not more than \$3,000,000 may be used for all external research.

"(3) Amounts appropriated under this subsection are authorized to remain available until expended."

SUBCHAPTER V—ON-SITE INSPECTION ACTIVITIES

§ 2595. Findings

The Congress finds that—

(1) under this chapter, the United States Arms Control and Disarmament Agency is charged with the "formulation and implementation of United States arms control and disarmament policy in a manner which will promote the national security";

(2) as defined in this chapter, the terms "arms control" and "disarmament" mean "the identification, verification, inspection, limitation, control, reduction, or elimination, of armed forces and armaments of all kinds under international agreement to establish an effective system of international control";

(3) the On-Site Inspection Agency was established in 1988 pursuant to the INF Treaty to implement, on behalf of the United States, the inspection provisions of the INF Treaty;

(4) on-site inspection activities under the INF Treaty include—

(A) inspections in the Soviet Union, Czechoslovakia, and the German Democratic Republic,

(B) escort duties for Soviet teams visiting the United States and the Basing Countries,

(C) establishment and operation of the Portal Monitoring Facility in the Soviet Union, and

(D) support for the Soviet inspectors at the Portal Monitoring Facility in Utah;

(5) the personnel of the On-Site Inspection Agency include civilian technical experts, civilian support personnel, and members of the Armed Forces; and

(6) the senior officials of the On-Site Inspection Agency include representatives from the United States Arms Control and Disarmament Agency and the Department of State.

(Pub. L. 87-297, title V, § 61, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855.)

UNITED STATES PROGRAM FOR ON-SITE INSPECTIONS UNDER ARMS CONTROL AGREEMENTS

Pub. L. 101-169, div. A, title X, § 1014, Nov. 29, 1989, 103 Stat. 1547, provided that:

"(a) FINDINGS CONCERNING ON-SITE INSPECTION PERSONNEL.—Congress makes the following findings:

"(1) The United States is currently engaged in multilateral and bilateral negotiations seeking to achieve treaties or agreements to reduce or eliminate various types of military weapons and to make certain reductions in military personnel levels. These negotiations include negotiations for (A) reductions in strategic forces, conventional armaments, and military personnel levels, (B) regimes for monitoring nuclear testing, and (C) the complete elimination of chemical weapons.

"(2) Requirements for monitoring these possible treaties or agreements will be extensive and will place severe stress on the monitoring capabilities of United States national technical means.

"(3) In the case of the INF Treaty, the United States and the Soviet Union negotiated, and are cur-

rently using, on-site inspection procedures to complement and support monitoring by national technical means. Similar on-site inspection procedures are being negotiated for inclusion in possible future treaties and agreements referred to in paragraph (1).

"(4) During initial implementation of the provisions of the INF Treaty, the United States was not fully prepared for the personnel requirements for the conduct of on-site inspections. The Director of Central Intelligence has stated that on-site inspection requirements for any strategic arms reduction treaty or agreement will be far more extensive than those for the INF Treaty. The number of locations within the Soviet Union that would possibly be subject to on-site inspections under a START agreement have been estimated to be approximately 2,500 (compared to 120 for the INF Treaty).

"(5) On-site inspection procedures are likely to be an integral part of any future arms control treaty or agreement.

"(6) Personnel requirements will be extensive for such on-site inspection procedures, both in terms of numbers of personnel and technical and linguistic skills. Since verification requirements for the INF Treaty are already placing severe stress on current personnel resources, the requirements for verification under START and other possible future treaties and agreements may quickly exceed the current number of verification personnel having necessary technical and language skills.

"(7) There is a clear need for a database of the names of individuals who are members of the Armed Forces or civilian employees of the United States Government, or of other citizens and nationals of the United States, who are qualified (by reason of technical or language skills) to participate in on-site inspections under an arms control treaty or agreement.

"(8) The organization best suited to establish such a database is the On-Site Inspection Agency (OSIA) of the Department of Defense, which was created by the President to implement (for the United States) the on-site inspection provisions of the INF Treaty.

"(b) STATUS OF THE OSIA.—(1) Congress finds that—

"(A) the Director of the OSIA (currently a brigadier general of the Army) is appointed by the Secretary of Defense with the concurrence of the Secretary of State and the approval of the President;

"(B) the Secretary of Defense provides to the Director appropriate policy guidance formulated by the interagency arms control mechanism established by the President;

"(C) most of the personnel of the OSIA are members of the Armed Forces (who are trained and paid by the military departments within the Department of Defense) and include linguists, weapons specialists, and foreign area specialists;

"(D) the Department of Defense provides the OSIA with substantially all of its administrative and logistic support (including military air transportation for inspections in the Soviet Union and Eastern Europe); and

"(E) the facilities in Europe and the United States at which OSIA personnel escort personnel of the Soviet Union conducting inspections under the on-site inspection terms of the INF Treaty are under the jurisdiction of the Department of Defense (or under the jurisdiction of entities that are contractors with the Department of Defense).

"(2) In light of the findings in paragraph (1) and the report submitted pursuant to section 909 of Public Law 100-456 (div. A, title IX, Sept. 29, 1988, 102 Stat. 2036) entitled 'Report to the Congress on U.S. Monitoring and Verification Activities Related to the INF Treaty' (submitted on July 27, 1989), Congress hereby determines that by locating the On-Site Inspection Agency within the Department of Defense for the purposes of administrative and logistic support and operational guidance, and integrating on-site inspection responsibilities under the INF Treaty with existing orga-

nizational activities of that Department, the President has been able to ensure that sensitive national security assets are protected and that obligations of the United States under that treaty are fulfilled in an efficient and cost-effective manner.

“(c) **ESTABLISHMENT OF PERSONNEL DATABASE.**—(1) In light of the findings in subsection (a), the Director of the On-Site Inspection Agency shall establish a database consisting of the names of individuals who could be assigned or detailed (in the case of Government personnel) or employed (in the case of non-Government personnel) to participate in the conduct of on-site inspections under any future arms control treaty or agreement that includes provisions for such inspections.

“(2) The database should be composed of the names of individuals with skills (including linguistic and technical skills) necessary for the conduct of on-site inspections.

“(d) **INF TREATY DEFINED.**—For purposes of this section, the term ‘INF Treaty’ means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed in Washington, DC, on December 8, 1987.”

§ 2595a. Policy coordination concerning implementation of on-site inspection provisions

(a) Interagency coordination

OSIA should receive policy guidance which is formulated through an interagency mechanism established by the President.

(b) Role of Secretary of Defense

The Secretary of Defense should provide to OSIA appropriate policy guidance formulated through the interagency mechanism described in subsection (a) of this section and operational direction, consistent with section 113(b) of title 10.

(c) Role of Director

The Director should provide to the interagency mechanism described in subsection (a) of this section appropriate recommendations for policy guidance to OSIA consistent with sections 2551(d), 2562, and 2574(c) of this title.

(Pub. L. 87-297, title V, § 62, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1855.)

§ 2595b. Authorizations of appropriations for On-Site Inspection Agency

There are authorized to be appropriated \$49,830,000 for fiscal year 1990 and \$48,831,000 for fiscal year 1991 for the expenses of the On-Site Inspection Agency in carrying out on-site inspection activities pursuant to the INF Treaty.

(Pub. L. 87-297, title V, § 63, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856.)

§ 2595c. Definitions

As used in this subchapter—

(1) the term “INF Treaty” means the Treaty Between the United States and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (signed at Washington, December 8, 1987); and

(2) the term “OSIA” means the On-Site Inspection Agency established by the President,

or such other agency as may be designated by the President to carry out the on-site inspection provisions of the INF Treaty.

(Pub. L. 87-297, title V, § 64, as added Pub. L. 101-216, title II, § 201, Dec. 11, 1989, 103 Stat. 1856.)

CHAPTER 36—MIGRATION AND REFUGEE ASSISTANCE

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2275, 2318 of this title.

CHAPTER 38—DEPARTMENT OF STATE

§ 2708. Reward; information; international terrorism

[See main edition for text of (a) and (b)]

(c) Reward limitation; Presidential approval

A reward under this section may not exceed \$2,000,000. A reward of \$100,000 or more may not be made without the approval of the President or the Secretary of State personally.

[See main edition for text of (d) to (i)]

(As amended Dec. 13, 1989, Pub. L. 101-231, § 13(a), 103 Stat. 1963.)

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-231 substituted “\$2,000,000” for “\$500,000”.

AVOIDING DUPLICATIVE AMENDMENTS

Section 13(b) of Pub. L. 101-231 provided that: “If the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 [Pub. L. 101-246, Feb. 16, 1990, 104 Stat. 87], is enacted before this Act [Dec. 13, 1989], and that Act makes the same amendment as is described in subsection (a) [amending this section], then subsection (a) shall not take effect. If, however, this Act is enacted before the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, and that Act would make the same amendment as is made by subsection (a), then that amendment as proposed to be made by that Act shall not take effect.”

CHAPTER 39—ARMS EXPORT CONTROL

SUBCHAPTER II—FOREIGN MILITARY SALES AUTHORIZATIONS

Sec.

2767a. Repealed.

SUBCHAPTER III—MILITARY EXPORT CONTROLS

2780. Transactions with countries supporting acts of international terrorism.

(a) Prohibited transactions by United States Government.

(b) Prohibited transactions by United States persons.

(c) Transfers to governments and persons covered.

(d) Countries covered by prohibition.

(e) Publication of determinations.

(f) Rescission.

(g) Waiver.

(h) Exemption for transactions subject to National Security Act reporting requirements.

(i) Relation to other laws.

(j) Criminal penalty.

(k) Civil penalties; enforcement.

(l) Definitions.